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Art Unit 2877

April 20, 2005

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 09/339,506; Filed: June 24, 1999

: Method and Apparatus for Characterization of Optical Systems

Inventor: Matthew E. Hansen Our Ref: 1857.1460000

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Form PTO-2038 Credit Card Payment Form to cover; \$180.00 Submission of an Information Disclosure Statement
- 2. Fifth Supplemental Information Disclosure Statement;
- 3. Form PTO 1449 (1 page) listing the cited documents;
- 4. Copies of documents AR1 and AS1; and
- 5. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

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Commissioner for Patents April 20, 2005 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicant
Registration No. 43,447

JDE/bls **Enclosures** 

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 2715

Matthew E. Hansen

Art Unit: 2877

Appl. No.: 09/339,506

Examiner: Lee, Hwa S.

Filed: June 24, 1999

Atty. Docket: 1857.1460000

For: Method and Apparatus for Characterization of Optical

Systems

## Fifth Supplemental Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent 00000063 09339506

04/21/2005 JADD01

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application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this
  Information Disclosure Statement was cited in a communication from a foreign
  patent office in a counterpart application and this communication was not
  received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty
  days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure

Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.
  Enclosed find our PTO-2038 Credit Card Payment Form in the amount of in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
  - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign

patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
- ∑ 7. Copies of documents AR1 and AS1 are submitted. In accordance with 37 C.F.R.
  § 1.98(a)(2), copies of the U.S. patents and published applications (documents
  AA1-AE1) are not enclosed. In accordance with 1287 OG 163, a copy of the copending unpublished application (document AF1) is not enclosed because it is
  available for viewing by the Examiner on the USPTO's IFW system.

8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No.\_\_\_\_\_\_\_, filed \_\_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

9. It is expected that the examiner will review the prosecution and cited art in the related application nos. 09/907,902 and 10/972,170, and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicant

Registration No. 43,447

Date: April 20, 2005

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| OILE)                       |                             |  |                   | ATTY. DOCKET NO.                        |                   | PPLICATION N        | Page 1 of 1 O.    |
|-----------------------------|-----------------------------|--|-------------------|---|-------------------|---------------------|-------------------|
| APR 2 0 2005                | FORM PTO-1449               |  |                   | 1857.1460000 09/339,506<br>INVENTOR     |                   |                     |                   |
| APR 2 0 2000                | FIFTH                       | SUPPLEMENTAL   | 4F5.IT            | Matthew E. Hansen                       |                   |                     |                   |
| INFO                        | MATION DISCLOSURE STATEMENT |  |                   | FILING DATE ART UNIT June 24, 1999 2877 |                   |                     |                   |
|                             | 1000                        |  | U.S. PA           | TENT DOCUMENTS                          |                   |                     |                   |
| EXAMINER INITIAL .          | DOC.<br>REF.                | DOCUMENT NUMBER  | DATE              | NAME                                    | CLASS             | SUB-CLASS           | FILING DATE       |
|                             | AA1                         | 3,829,219  | 08/1974           | Wyant                                   |                   |                     |                   |
|                             | AB1                         | 5,128,530  | 07/1992           | Ellerbroek et al.                       |                   |                     |                   |
|                             | AC1                         | 5,182,455  | 01/1993           | Muraki                                  |                   |                     |                   |
|                             | AD1                         | 5,825,476  | 10/1998           | Abitol et al.                           |                   |                     |                   |
|                             | AE1                         | 2004/0165194 A1  | 08/2004           | Hansen                                  |                   |                     |                   |
|                             | AF1                         | 10/972,170   |                   | Hansen                                  |                   |                     | 10/25/2004        |
|                             | AG1                         |  |                   |   |                   |                     |                   |
|                             | АН                          |  |                   |   |                   |                     |                   |
|                             | Al                          |  |                   |   |                   |                     |                   |
|                             | AJ                          |  |                   |   |                   |                     |                   |
|                             | AK                          |  |                   |   |                   |                     |                   |
|                             |                             |  | FOREIGN           | PATENT DOCUMENTS                        |                   |                     | 1                 |
| EXAMINER<br>INITIAL         | DOC.<br>REF.                | DOCUMENT NUMBER  | DATE              | COUNTRY                                 | CLASS             | SUB-CLASS           | TRANSLATION Yes   |
|                             | AL                          |  |                   |   |                   |                     | No<br>Yes         |
|                             | AM                          |  |                   |   |                   |                     | No                |
|                             | AN                          |  |                   |   |                   |                     | Yes<br>No         |
|                             | AO                          |  |                   |   |                   |                     | Yes<br>No         |
|                             | AP                          |  |                   |   |                   | <u> </u>            | Yes<br>No         |
| EVALUATED                   | 1,000                       | OTHER DOCUMENT   | S (Includir       | ng Author, Title, Date, Pe              | ertinent Page     | es, etc.)           |                   |
| EXAMINER INITIAL            | DOC.<br>REF.                | CITATION   |                   |   |                   |                     |                   |
|                             | AR1                         | Communication from European Patent Application Number 01957171.0, dated April 16, 2003, 4 pages. |                   |   |                   |                     |                   |
|                             | AS1                         | International Search Report from PCT Appl. No. PCT/US01/22518, dated January 11, 2002, 4 pages.  |                   |   |                   |                     |                   |
|                             | АТ                          |  |                   |   |                   |                     |                   |
| EXAMINER                    |                             |  | <u> </u>          |   | DATE              | CONSIDERED          |                   |
| EXAMINER: In                | nitial if refer             | ence considered, whether o   | or not citation i | s in conformance with MPEP 60           | )9. Draw line thr | ough citation if no | ot in conformance |
| and not conside 388366_1.DO |                             | de copy of this form with ne   | xt communica      | tion to Applicant.                      |                   |                     |                   |